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MINUTES OF THE CITY COUNCIL MEETING HELD JANUARY 9, 2007

A Regular meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, January 9, 2007, at 5:30 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Steven R. Taylor, Mayor
Brenda S. Pelham, Vice Mayor (arrived at 5:45 PM)
Christina J. Luman-Bailey, Councilor
Kenneth B. Emerson, Councilor
Curtis W. Harris, Councilor
E. Randy Sealey, Councilor
N. Gregory Cuffey, Councilor

Robert S. Herbert, Interim City Manager
Edwin N. Wilmot, City Attorney
Ann M. Romano, City Clerk

Mayor Taylor opened the meeting at 5:30 PM. Roll call was taken as follows:

Mayor Taylor	-	present
Vice Mayor Pelham	-	ABSENT (arrived at 5:45 PM)
Councilor Harris	-	present
Councilor Bailey	-	present
Councilor Emerson	-	present
Councilor Sealey	-	present
Councilor Cuffey	-	present

WORK SESSION – PLANNING COMMISSION – CONDITIONAL USE PERMITS

Assistant City Manager March Altman introduced members of the Planning Commission: Chairman-Fred Morene, Hank Wilde, Kathryn Hunter, and Fara Jenkins-Steves; Rev. Rudolph Dunbar was unable to attend. The commission distributed a response to City Council regarding the proposed zoning ordinance amendment in reference to the conditional use permits. The Planning Commission has a certain amount of purview, but they do not have oversight over the Board of Zoning Appeals (BZA). The BZA is appointed by the Circuit Court. Current BZA members are: Wayne Mayton-Chair, Hank Wilde, Todd Butterworth, Beverly Terretta, and Ted Sweetland. Mr. Altman reviewed for Councilor Bailey the situation which arose with a land-locked piece of land, only after the owners secured a variance. Council has the opportunity to place conditions on the request.

TO: The Honorable City Council
FROM: City of Hopewell Planning Commission
DATE: January 9, 2007
RE: PROPOSED ZONING ORDINANCE AMENDMENT-
CONDITIONAL USE PERMITS

On November 14, 2006 the City Council requested the Planning Commission review a proposed amendment to the Zoning Ordinance in reference to Conditional Use Permits, and to offer any necessary and appropriate amendments to accomplish the desired objective. The Commission provided an overview of its discussion and its recommendations to City Council.

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The Commission does not believe the objective of the proposed amendment solves any problems in the issuance or administration of Conditional Use Permits. The Commission does not recommend the proposed amendment be approved. As understood by the Commission, the amendment's sole objective is to impede a developer from circumventing the nonconforming lots of record provision located in Article XVII, Nonconforming Uses, Section F., of the Zoning Ordinance, through the sale of a substandard lot. While this objective is honorable, it punishes a developer with compliance to the ordinance, penalizes a buyer/potential homeowner for property purchase, and postpones tax revenue to the City. A potential land owner who purchases lot(s), which in previous ownership were non-conforming, should not be punished if in its purchase the lot(s) can be developed in a manner to comply with the standards of the ordinance. As the ordinance currently reads, the decision to approve a Conditional Use Permit is in the hand of City Council. If Council does not believe the lot meets the provisions of the ordinance, the permit can be denied. Delaying the time in which a buyer can apply for a Conditional Use Permit does not solve any problems, when in another five (5) years the permit can be approved.

Further, the Commission does not recommend approval of the proposed amendment because it does not speak comprehensively to the issues that have recently become associated with the granting of Conditional Use Permits; such as design standards and neighborhood compatibility. Lastly, this amendment assumes the City is informed of all property financial transaction. This is not the case. Requiring files be maintained over a five-year period would cause research and file maintenance concerns within the Department of Development. With these objections in mind, the Commission makes the following recommended changes to the Conditional Use Permit process.

The Planning Commission recommends that all requests for Conditional Use Permits be reviewed first by the Commission, and that recommendations on such applications be forwarded to City Council for final approval. This would allow the Planning Commission to thoroughly review each case and make an informed recommendation to the Council. This is standard practice in the majority of Virginia jurisdictions, as it reduces the amount of time City Council spends on zoning issues and frees more time to concentrate on the functions of government.

The Commission also recommends it undertake the rewriting of the Conditional Use Permit provisions to meet the comprehensive goals of City Council. As stated previously, the proposed amendment only spoke to one perceived problem with Conditional Use Permits. The Commission requests that Council identify goals they would like to achieve through a re-write of the current conditional use provisions. After these goals have been identified, and related to the Commission, it would propose an amendment to the current conditional use provisions within a four- to five-month period. It is important that Council consider the ramifications of its goal proposals, as Conditional Use Permits can be granted for uses other than single-family dwellings. For example, the ordinance requires a Conditional Use Permit for private utilities, towers or antennas, duplexes in the R-2, Residential, and Medium Density District, accessory apartments, garage apartments, outdoor sport facilities, veterinary offices or hospitals, convenience stores, and factory outlet shopping malls.

DISCUSSION: Attach design guidelines. Develop a pattern book for neighborhoods. Set standards; in fill; demolish; etc. Aspire for buildings that enhance the neighborhoods. Imposition of design standards could be offset and mitigated by the builder. Encourage participation on the outside as well as inside of the house. Concern for CUP issues in "B" Village; it is all zoned R-4, which allows for the development of businesses as well as houses; it would fall into R-3. The City would want to have design guidelines in place before rehabilitation. In the R-2 zone, all lots would need CUPs. The Planning Commission was commended for the good job they did and Council expressed their appreciation. Mr. Morene thanked

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Council for allowing them to serve on the Planning Commission. They are trying to embrace residents, commercial and industrial. There are much more than just houses.

Mayor Taylor complimented Councilor Bailey for adding this item to the agenda. He thanked the Planning Commission for their work. He tasked the Assistant City Manager, Mr. Altman, with starting the necessary work before the next City Council meeting (January 23, 2007).

The Work Session ended at 6:10 PM.

CLOSED SESSION

At 6:12 PM motion was made by Councilor Emerson, and seconded by Vice Mayor Pelham, to Convene into Closed Session to discuss Acquisition/Disposition of Property, Legal Matters, and Personnel, in accordance with Virginia Code § 2.2-3711 (A) (1) (3) and (7). Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

OPEN SESSION

At 7:45 PM Council convened into Open Session. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Session?" Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

Mayor Taylor opened the regular meeting at 7:30 PM. Roll call was taken as follows:

Mayor Taylor	-	present
Vice Mayor Pelham	-	present
Councilor Harris	-	present
Councilor Emerson	-	present
Councilor Sealey	-	present
Councilor Pelham	-	present
Councilor Smith	-	present

Prayer was offered by Mayor Taylor, followed by the Pledge of Allegiance to the Flag of the United States of America of America.

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Vice Mayor Pelham and Mayor Taylor presented Certificates of Appreciation to Hopewell High School students of Mr. Whipp's and Mr. Bronner's Advanced Placement Government classes for volunteering to work the polls on Election Day, November 7, 2006. They are: Kevin Granderson, Adam Devine, James Fulmer, James Staples, Amber Weyland, and Adam Capps. Mr. Frank Whipp was also presented a certificate.

CONSENT AGENDA

Motion was made by Councilor Emerson, and seconded by Councilor Harris, to approve the Consent Agenda: Minutes Regular Meeting December 12, 2006; Pending List; Information for Council Review: [TSB minutes 10/3/06 & agenda 12/6/06; HRHA agenda 12/11/06 (cancelled); Hopewell 2007 Community Committee minutes 11/15/06; Recreation Commission minutes 11/8/06 & agenda 12/13/06; and ARLS minutes 10/17/06]; Personnel Change Report; Financial Report; Public Hearings Announcements: None; Routine Approval of Work Sessions: None; Ordinances on second and final reading: None. Vice Mayor Pelham added Presentations of Certificates of Appreciation to HHS Government Students of Mr. Whipp and Mr. Bronner for volunteering to work at the polls on Election Day on November 7, 2006. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

PUBLIC HEARING – REQUEST TO REZONE/AMEND OFFICIAL ZONING MAP – CITY POINT ROAD “B” VILLAGE

The City of Hopewell initiated the rezoning and amendment of the official zoning map from RO-4, Residential High Density Office, to B-2, Limited Commercial District, for properties identified as Lots 6 and 12, Block 42 and Lots 5, 6, and 12, Block 43, B Village Subdivision. The lots are situated on the south side of City Point Road between South 3rd Avenue and South 5th Avenue. The 2001 Comprehensive Land Use Plan recommends this area for residential use.

The properties are currently zoned RO-4. The City is requesting to rezone the properties to B-2 as part of an overall effort to reduce the overlap of business and residential uses within the core of the B-Village neighborhood with the goal of eliminating the RO-4 zoning district designation for the area. Under the current zoning designation, RO-4, a business could be established on any lot within the B Village neighborhood provided that setback and parking requirements are met. The potential encroachment of businesses into the core of the neighborhood that would upset the balance of the neighborhood is ongoing concern and to address this encroachment the staff has discussed with the Planning Commission the rezoning of the B Village neighborhood to a residential designation while establishing business corridors along Randolph Road, Broadway, and City Point Road.

There were no speakers; the Public Hearing was closed at 8:01 PM.

Motion was made by Councilor Emerson, and seconded by Vice Mayor Pelham, to resolve to approve the rezoning of property identified as Lots 6 and 12, Block 42 and Lots 5, 6 and 12, Block 42 in the B Village Subdivision from RO-4, Residential, High Density Office to B-2, Limited Commercial. Upon the roll call, the vote resulted:

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Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

COMMUNICATIONS FROM CITIZENS

Gil Harris, 5408 Forest Brook Drive, Richmond, wished to discuss the City Marina. The City Attorney pointed out that the Marina is listed on the agenda and therefore not permitted for discussion.

Motion was made by Councilor Bailey, and seconded by Vice Mayor Pelham, to Waive Council's Rules and Procedures to allow Communications from Citizens to address discussion concerning the City Marina. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

Gil Harris, 5408 Forest Brook Drive, Richmond, asked Council to consider not removing the roof from "M" Dock at the City marina. The Waterfront Development Committee will make a presentation asking for its removal. In his opinion, so far, no effort has been made to gather input from the boaters. He asked that City Council spend some time with the members of the Hopewell Yacht Club and the Waterfront Development Committee. The slip holders would like to express their desires and opinions. The covered slips are of great value to the renters. There are many things they do not have; but they do have a roof. The Yacht Club is asking that the roof removal at "M" Dock be delayed until the plan is in tact.

Ray Lawrence, 111 Flintrock Drive, Colonial Heights, has two boats here in Hopewell and he pays taxes on them here in Hopewell. He is one of the newer people in the Hopewell slips. There are several large holes in his boat but he cannot work on them until the spring. He asked that Council postpone the decision to remove the "M" Dock roof until warmer weather; please keep the roofs.

Brian Coddington, 1328 Whitehead Road, Richmond, rented a slip at the Hopewell Marina for one year and just used it for two months. He wants the roof to stay on. He does not know why Council wants to remove the roof. Please keep the roof on "M" Dock.

David Mulvey, 524 East Wing Court, Colonial Heights, spoke of the value of a covered slip. He asked that Council consider the cost of repairing what is there instead of removing what is there. He has a boat at Anchor Point marina.

John Salyer, 4825 Empire Parkway, Chester, is about to put in an application for a covered slip. He wants a roof.

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Vincent Giordano, 4107 Old Woodlawn St., Hopewell, wants to keep the roof, and keep the shed.

Katherine Podlewski, 507 North 2nd Avenue, spoke of the demolition of the Old Patrick Copeland School. She indicated that many people have spoken with her in astonished anger at what occurred. We are still a democracy. Politics is a game of back room deals. This Council's majority is the business of the citizens. Its actions have shown that they cannot be trusted. If you worship at the altar of greed and lies that is what you will get is greed and lies.

There being no other speakers, the Communication from Citizens was closed.

PRESENTATION – VIRGINIA'S GATEWAY REGION, RENEE WYATT

Ms. Wyatt began her report by listing the member localities of Virginia's Gateway Region: the cities of Colonial Heights, Hopewell, Petersburg; and the counties of Chesterfield, Dinwiddie, Prince George, Surry, and, Sussex. In Hopewell, the city's 2004 Downtown Renaissance plan is moving forward and is anchored by the ongoing renovation of the Beacon Theatre on Main Street. Hopewell is trying to tap into tourism as a growing industry for the city. More tourists are visiting Appomattox Manor following the completion of Old City Point Boardwalk and Park, a joint venture between the city and Petersburg National Battlefield's City Point Unit.

Throughout the region, economic development officials of each respective community work hard to attract investment money. But the region is fortunate to have an umbrella organization to help the overall area. The Gateway Region is a private, nonprofit economic development organization that is publicly and privately funded to promote economic development in the area. The group's work has helped tremendously. This area has been one of the fastest-growing regions in Virginia and one of the best and most progressive business climates in the United States

INC. Magazine ranked the Richmond-Petersburg Metropolitan Statistical Area as one of the top 25 metro areas in the United States for doing business in its May 2005 issue. The Gateway Region was recognized as one of the nation's top 20 economic development groups in the May 2006 issue of Site Selection magazine, a leading real estate and economic development publication. Based on what's happened in the past, it's hard not to be bullish for economic development in the region.

Mayor Taylor commented on the good job Virginia's Gateway Region has done with work force development, work piece program and great partnerships. Renee has worked very hard. This organization works very hard to keep an eye out for the communities. George Elder and Ed Henry work on the commission along with the Mayor. Ms. Wyatt thanked Hopewell and local government.

UNFINISHED BUSINESS – RECONSIDERATION OF MINUTES OF NOVEMBER 28, 2006 AND NOVEMBER 30, 2006

At the City Council meeting held on December 12, 2006, Councilor Christina Bailey removed the Council minutes dated November 28, 2006 and November 30, 2006 from the Consent Agenda for separate consideration by City Council. Council voted unanimously to table that item until the January 9, 2007 meeting at which time the minutes would be considered for approval. Council tasked the City Attorney and the City Clerk with reviewing the video tapes of both meetings with which Councilor Bailey was concerned. On December 13, 2006 Mr. Wilmot and Mrs. Romano viewed the video tapes of the meetings. Suggested revisions to those minutes were submitted to City Council in a report dated December 13, 2006.

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Councilor Bailey indicated that she still has some confusion with the minutes dated November 28, 2006, under "Citizen/Councilor Request – Councilor Bailey – Request that Demolition of the Historic Patrick Copeland School be removed from the Downtown Master Plan."

Motion was made by Councilor Emerson, and seconded by Councilor Cuffey, to approve the minutes of the City Council meetings of November 28, 2006 and November 30, 2006. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	NO
Councilor Harris	-	yes

CITIZEN/COUNCILOR REQUEST – SARAH GOULD, COORDINATOR FOR THE HOPEWELL BIG BROTHERS/BIG SISTERS

Sarah Gould, Coordinator for the Hopewell Big Brothers/Big Sisters Organization requested to be on the agenda for the January 9, 2007 City Council meeting. She briefed Council and the public about what the organization does for Hopewell's children as well as to solicit volunteers. She asked for volunteers for one hour per week during lunch time. Hopewell is the only city served by Big Brothers/Big Sisters to offer the program at all of its schools. It is the only city to offer the program at the middle school. It is a critical time period in middle school. High School students act as mentors to the elementary school students. Mentors meet for one hour per week per child. The Tri-Cities has increased the children it served by 77%. Ms. Gould thanked community members in the Hopewell area. People are coming into Hopewell from the surrounding localities (Chesterfield, etc.).

Ms. Gould introduced a Big Brother and a Little Brother who attended the Council meeting. The children in Hopewell are in need of experiences. Jim, the Big Brother, does things he would not ordinarily do but he does them because of his Little Brother, Dustin. He gives him a sense of fulfillment. Jim has been in the program for many years. Citizens can reach Big Brothers/Big Sisters at 541-8208. The site-based program is only one hour per week. The community-based program is different. It is off site and could be for more than one hour per week. Citizens were urged to consider working one hour per week into their schedules.

CITIZEN/COUNCILOR REQUEST – COUNCILOR CUFFEY – DISCUSS THE CURRENT STATE OF AFFAIRS OF THE HOPEWELL POLICE DEPARTMENT

Councilor Cuffey requested discussion of the current state of affairs of the Hopewell Police Department. There had been discussion of whether to hire a new Police Chief under the Interim City Manager or wait for the new City Manager to be hired. City Council agreed to move forward with hiring a Police Chief; they wish to fill the position.

Motion was made by Councilor Cuffey, and seconded by Councilor Sealey, to instruct the Interim City Manager, Steve Herbert, to hire a Police Chief before, or by the expiration of, the contract of the current Interim Police Chief, James Stanley. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes

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Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

CITIZEN/COUNCILOR REQUEST – MAYOR TAYLOR – DISCUSS OPERATION/FEEES OF THE HOPEWELL CONVENIENCE CENTER

A report was provided to City Council, prior to the Council meeting, by the City Manager from Phil Elliott, Director of Public Works, and Elesteen Hager, Director of Finance. \$454,000 is taken from the fund annually to balance the budget. This amount is an annual recurring deduction. Tipping fees include curbside and cost of disposal. There will be a 30% increase of the monthly fee, to approximately \$24 per year per residence as a result of the new contract with CVWMA. The City went out to bid in the Fall of 2006 and received four responses. Two were small companies that did not bid; Allied Waste (formerly BFI), and Waste Management (which was too expensive). The City signed a contract with Allied Waste to start on July 1, 2007. The City will need \$15,000 by the end of the year. Recommendation: Come up with the suitable plan to dispose of trash at a minimal cost.

Motion was made by Councilor Emerson, and seconded by Councilor Cuffey, to resolve to waive the fees for Hopewell residents (not businesses) at the Hopewell Convenience Center for the remainder of the FY 2006/2007 and impose no fee for Hopewell residents (not businesses) in the budget for FY 2007/2008. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	NO
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

CITIZEN/COUNCILOR REQUEST – MARY SHIFFLETT – REQUEST FOR STUDY TO EXPAND HOPEWELL COMMUNITY CENTER’S SKATEBOARD PARK

Mary Shifflett submitted a request to Hopewell City Council to approve a study which would include plans and a budget for the expansion of the Hopewell Community Center’s Skateboard Park, in conjunction with the City’s Revised Five-Year Comprehensive Plan and the Recreation Department’s Master Plan. Ms. Shifflett owns Basic Skateboards, a business in downtown Hopewell. In 1997, several young students came before Council to ask for a skateboard park. One of those students now attends UVA. Hopewell is also home to ex-pro skateboarders. Hopewell’s skateboard park can hold 30-40 individual skaters.

Jo Turek, Director of the Department of Recreation and Parks, met with Ms. Shifflett and suggested she include the proposal in the Comprehensive Plan. She is hoping to tag all Recreation and Parks Master Plan also.

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**REGULAR BUSINESS – HOPEWELL AFRICAN AMERICAN ORAL HISTORY PROJECT –
PROF. LAURANETT LEE**

Due to the late hour, Mayor Taylor asked Council to consider moving the Hopewell African American Oral History Project by Professor Lauranett Lee forward on the agenda. City Council unanimously agreed to move the item forward on the agenda.

Professor Lauranett Lee, Curator African American Studies, Virginia Historical Society presented to City Council the final copy of the Hopewell African American Oral History Project. Dr. Lee was commissioned to research, write and complete a minimum of 300 pages. In addition, she recommended final actions for publication and distribution to the larger community.

Dr. Lee reported that ten people were interviewed, representing a cross section of the population. The interviews were recorded on cassette and video tapes; copies of which are filed in the archives. Anyone interested will be provided a copy by Herbert Bragg, PAC with the City of Hopewell. This project would be most useful in the Social Studies curriculum in the school system. Dr. Lee was provided a tour of the new Hopewell Library and sees opportunities for life long learners. She met with Avon Miles and Clarence Nicolas. She also discussed possible national curriculum and distribution to a wider audience. She is planning public speaking engagements. Still to be done: page numbers and scanned pictures.

Mayor Taylor expressed his appreciation on the work put into this project. He was very impressed with the draft. Councilor Harris wanted to know when this project will come off the press so that we can get our hands around it. We may have enough money for wide distribution. Mr. Bragg will e-mail the draft to Council and the directors. The final draft, with pictures, will be 300+ pages, in PDF format. Hard copies will be made available in the City Clerk's office.

**CITIZEN/COUNCILOR REQUEST – COUNCILOR SEALEY – LIGHTING AT BEACON
RIDGE**

Councilor Sealey received inquiries from constituents concerned about the lack of lighting at Beacon Ridge. Assistant City Manager, March Altman, indicated that an overall lighting plan has been submitted to the City. The lighting plan was just received on December 14, 2006. We are waiting for comments from our City Engineer. The plan will then be forwarded to Timmons. Then we will approve the plan and get it to Dominion Virginia Power to install the lights. The tentative time line is not possible because it is up to Dominion.

CITIZEN/COUNCILOR REQUEST – COUNCILOR SEALEY – BFI CUSTOMER SERVICE

Councilor Sealey received some phone calls about BFI trash service. Phil Elliott, Director of Public Works, reported that last year BFI had a horrendous record. People's tolerance is very low. BFI merged with Allied Waste. They were terrible everywhere they did business. He and the former City Manager, Alan Archer, met with BFI twice in the last year. Last month's record is the best it has been in two years. The contract is with CVWMA whose phone number for complaints is 425-0500. If they miss a trash pick up, and you call before 12:00 noon on the same day, they are required to pick up on the same day. If they do not, they will be fined. Hopewell provides the toters. One City staff member handles toters. Call 541-2295 for repairs or complaints regarding toters for home owners. Landlords must purchase toters at a cost of \$52 each for rental units. There was concern with toters being left in driveways, near mailboxes, and in the street. Perhaps there should be more stringent language and stiffer fines in that regard. Vice Mayor Pelham thanked Mr. Elliott for representing her constituents because many of them are older.

CITIZEN/COUNCILOR REQUEST – COUNCILOR BAILEY – REQUEST FOR THE CITY ATTORNEY TO CLARIFY HIS PRIMARY RESPONSIBILITIES IN REGARD TO THE CITIZENS OF HOPEWELL

Councilor Bailey indicated that many citizens asked what the City Attorney's responsibilities are to the citizens of Hopewell. The Mayor requested a response from the City Attorney. Mr. Wilmot responded that his primary responsibility was to provide legal representation to City Council, City Administration and the City which is competent, professional and ethical. Among his responsibilities are facilitation of the will of City Council and the Administration, minimization of potential City liability, and assisting to ensure compliance with applicable laws and regulations.

Mayor Taylor reported that in his six years on Council and working with Mr. Wilmot, Mr. Wilmot has done an outstanding job; he appreciates his efforts.

Councilor Sealey stated that Mr. Wilmot has done a great job. He found out that the City Attorney was not hiring outside legal advisors, and he commends him on his current job.

Councilor Harris congratulated Mr. Wilmot for the job that he has done and is still doing. He has worked with him longer than the rest of Council. Sometimes they do not agree, but he has a great relationship with the City Attorney.

Vice Mayor Pelham complimented Mr. Wilmot on his job performance. CCR means Citizen/Councilor Request. Five of the seven requests tonight came from Councilors. She commended Mr. Wilmot also.

REGULAR BUSINESS – BOARD OF EQUALIZATION, RECOMMENDATION OF JOAN S. THOMPSON

The City's Real Estate Assessor had previously recommended to City Council Donald W. Parr for appointment to the Board of Equalization. He has advised her that he is unable to serve on the 2007 Board.

Appointments to the Board of Equalization are made by the Circuit Court. However, the law provides that the local governing body may recommend persons for appointment. The Real Estate Assessor's memo contained information regarding Joan S. Thompson, whom she recommended that Council endorse for appointment.

Motion was made by Councilor Emerson, and seconded by Councilor Harris, to recommend Joan S. Thompson to the Circuit Court Judge for appointment to the Board of Equalization. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

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REGULAR BUSINESS – HOPEWELL MARINA – CONSIDER REMOVAL OF ROOFS FROM “M” DOCK

City Council held a Work Session regarding the Hopewell City Marina on December 12, 2006. City Administration requested that City Council authorize the City Manager to execute all documentation necessary to proceed with use of the funds designated in the Harbor Fund currently in the amount of \$247,602.

The funds will be used for the following: engineer hired to develop the items needed for permitting for dredging and filing of the permit – estimated \$30,000; removal of the old lift shed – estimated \$3,500; removal of “M” dock covered slip roof – estimated to be \$45,000; concrete bollards and gravel added to the area under the bridge to allow for additional parking – estimated to be \$15,000; removal of G and K dock areas – estimated to be \$30,000; removal of the gas tank – estimated to be \$2,000; and 15% contingency for a total of \$144,325. A letter has been sent to each slip holder outlining the discussion; copies were distributed to City Council and staff. Funds in the amount of \$90,000 to remove the roofs on L and N dock will not be requested until the January 23, 2007 meeting thereby finalizing use of the full amount from the Harbor Fund. That will allow those slip holders time to attend council meetings as well as the upcoming Waterfront Development Committee meeting to be held on January 15, 2007 at 10:00 AM at the Hopewell Community Center.

Motion was made by Councilor Emerson, and seconded by Councilor Harris, to resolve to authorize the City Manager to execute all documents necessary to proceed with use of the funds designated in the Harbor Fund currently in the amount of \$247,602, to be used for the following: engineer hired to develop the items needed for permitting for dredging and filing of the permit-estimated \$30,000; removal of the old lift shed-estimated \$3,500; removal of M dock covered slip roof-estimated to be \$45,000; concrete bollards and gravel added to the area under the bridge to allow for additional parking-estimated to be \$15,000; removal of G and K dock areas-estimated to be \$30,000; removal of the gas tank-estimated to be \$2,000; and 15% contingency for a total of \$144,325.

Wayne Walton is Chairman of the Waterfront Development Committee. The committee’s recommendation to Council was to remove the roof from M dock. He supported that decision as for the greater good; it will enhance the marina. The committee wants to get it back to where it was in 2000.

DISCUSSION: The Work Session in December was to allow input from the boaters; however some Councilors questioned whether that happened. Instead a letter was sent out. Certain aspects of the plan are supported. G & K and the dredging make sense, and so does the gas tank. Councilor Bailey strongly feels removal of the covered slips should be delayed. She does not know why we are going to spend money to remove the covered slips. They are rare and hard to find. Action should be delayed. She does not know why we are going to spend money to remove the covered slips. Other Council members feel that the report from the Waterfront Development Committee was well thought out. They feel badly for the boaters. They did not attend the meeting and did not see what the marina will become. It is difficult to have covered slips. It could be looked at by a developer. M dock must come down because that roof is caving in. Perhaps we should slow this matter down to have another meeting with the Waterfront Development Committee before making a final decision. Councilor Harris would like to look at that before supporting the final decision. Councilor Cuffey supports and respects the Waterfront Development Committee. Perhaps Council should consider the input of the citizens tonight and put off the decision until better weather; consider the boat owners who spoke tonight. Ask Jo Turek about the urgency of the M, G and K docks. Vice Mayor Pelham received phone calls from some citizens. She agrees with the recommendation of the Waterfront Development Committee. Councilor Bailey indicated that the boaters here that she and Councilor Harris are not in tune with what the boating community wanted. Several speakers had their boats at M dock. It does not make sense to spend tax payer money doing something the

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tax payers do not want us to do. She has not seen a comparison, but wants to see that.

A **substitute motion** was made by Councilor Bailey, and seconded by Councilor Cuffey, to remove the M dock roof removal from consideration of the original motion, and to authorize the City Manager to execute all documents necessary to proceed with use of the funds designated in the Harbor Fund currently in the amount of \$247,602, to be used for the following: engineer hired to develop the items needed for permitting for dredging and filing of the permit-estimated \$30,000; removal of the old lift shed-estimated \$3,500; concrete bollards and gravel added to the area under the bridge to allow for additional parking-estimated to be \$15,000; removal of G and K dock areas-estimated to be \$30,000; removal of the gas tank-estimated to be \$2,000; and 15% contingency for a total of \$144,325.

Jo Turek stated that M dock is a covered shed. She has received phone calls that under M dock there is leakage from the damaged roof. Painting would not fix it; there is decay in the roof. There is the ability to move those vessels to L or N dock. The Recreation Department has held slips open in the event that they would have to move boats from M to L or N. They are covered slips. Vice Mayor Pelham asked Wayne Walton if there are any modern covers that would enhance the look of the marina. He indicated only at the floating docks with roofs. Councilor Sealey agreed with Mr. Walton on research the committee has done. He was surprised to hear of the number of people who want to keep the roofs. Covered sheds are a thing of the past. Lots of damage to fixed docks. Councilor Bailey mentioned that Deltaville has covered docks and rent at high fees. Hopewell has the option of offering both. We need the input from the boating community. She suggested that Mr. Gil Harris be given another opportunity to speak.

Gil Harris asked for patience. There has not been a dialogue with the Waterfront Development Committee. The Mathews County Marina is brand new, state of the art. Hampton has no covered slips. Deltaville has more covered slips than open slips. What they asked for tonight was that before this decision is made, let them have a chance to talk, and for Council to study the issue. He and the boaters from the marina have never heard anyone complain about a leaking roof at M dock. Please save the roof at M dock. He urged Councilors to go look at it; it does not leak. There are not enough slips; he cannot get in L dock. Please be patient. Let them meet with the Waterfront Development Committee. Please delay action.

Councilor Emerson indicated that Council was told that M dock was a problem and was decaying. That is why he made the motion. We can wait to tear it down. Ms. Turek stated that M dock is decaying. The lament area has open holes in the roof. It is decaying the wood; holes are visible from the inside.

Mayor Taylor is comfortable with the Waterfront Development Committee's work and decision. Councilor Bailey indicated that as a member of the Waterfront Development Committee, she urges Council to think about moving forward with everything else, but M dock. Go back to the boating community and listen to them.

Warren Davis, Chesterfield County, has paid boat taxes at the Hopewell Marina since 1987. It is a good facility, and an asset to the City. Wayne Walton is not talking to the boaters from the Hopewell Marina. They want the roofs to stay. They attract more expensive boats. He has been under all the docks. The M dock roof has a few holes. The holes are in the panels, not in the roof itself. No one has tested or sampled the roofs. When Hurricane Isabel came through everyone said the sheds would never survive. They survived just fine. They are sound. The boaters are not being kept informed. He would like to be more interactive with the City. The City wanted to condemn the docks. The marina was dormant for three years. Communicate with the boaters from the marina. The infrastructure is not unsafe and is not decayed. That is what attracts boaters because they are covered.

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Cheryl Collins, 600 Brown Avenue, Hopewell, asked the number of residents vs. the number of non-residents.

Councilor Bailey asked if we are charging more for covered slips and charging more for non-residents. The response to each question is yes. Councilor Emerson stated we are trying to improve Hopewell and the marina. We are not trying to go against the boaters at the marina. All the things have been well publicized.

Mayor Taylor reported that the Waterfront Development Committee will meet on January 15, 2007 and will be on the City Council agenda for their January 23, 2007 meeting. Council will tour the docks before that meeting.

Upon the roll call on the **substitute motion** made by Councilor Bailey, and seconded by Councilor Cuffey, to remove the M dock roof removal from consideration of the original motion, and to authorize the City Manager to execute all documents necessary to proceed with use of the funds designated in the Harbor Fund currently in the amount of \$247,602, to be used for the following: engineer hired to develop the items needed for permitting for dredging and filing of the permit-estimated \$30,000; removal of the old lift shed-estimated \$3,500; concrete bollards and gravel added to the area under the bridge to allow for additional parking-estimated to be \$15,000; removal of G and K dock areas-estimated to be \$30,000; removal of the gas tank-estimated to be \$2,000; and 15% contingency for a total of \$144,325, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	NO
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

REGULAR BUSINESS – STATUS UPDATE – BOAT DOCKED AT HOPEWELL CITY MARINA

City Attorney Wilmot briefed City Council on the status of the boat docked at the Hopewell City Marina. At the City Council meeting held on December 12, 2006, a resolution was adopted by Council directing the owner of the vessel docked in the lift shed at the Hopewell City Marina (Dr. Jerry Cable), to remove the vessel and all of his property, including the boat lift, from the property of the Hopewell City Marina no later than January 5, 2007. Failure of the owner to remove the vessel and his property in a timely manner (by January 5, 2007) would have resulted in the City being authorized to: (1) seek a warrant for trespass against the owner, and/or (2) remove the vessel and property and store or destroy it at the owner's expense.

On December 27, 2006 Dr. Cable contacted City Manager Steve Herbert with the following proposal:

- (1) Payment to the City of \$500.00 per month for use of the boat shed for the period from July 2006 through March 2007 for a total of \$4,500.00. A check was enclosed with his letter dated December 27, 2006, in the amount of \$4,500.00 as part of his proposal.
- (2) The City to allow dockage for one week after launch at the City's marina at normal dockage rates in order to restore power to the yacht.

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- (3) The City to allow ten (10) days to remove the lifts from the boat shed after launch of the yacht.
- (4) Dr. Cable will use his best efforts to launch at an earlier date assuming he has sufficient water, notice and favorable weather conditions.

Mr. Wilmot asked City Council whether they wished for him to proceed with a request for the issuance of a warrant for the arrest of Dr. Cable for trespass, or to accept the check for rental of the boat shed.

Motion was made by Councilor Harris, and seconded by Councilor Sealey, to accept the \$4,500 from Dr. Cable as the fee for use of the boat shed, at a rate of \$500.00 per month from July 2006 through March 2007.

An amendment to the motion was offered by Vice Mayor Pelham to apply the \$4,500.00 to the Solid Waste Fund. The amendment was not accepted by Councilor Harris or Councilor Sealey.

Upon the roll call on the original motion, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

REPORT OF THE CITY ATTORNEY – THE BLUFFS

City Attorney Wilmot reported on the status of the purchase of the Bluffs, which is contingent on the approval by HUD. The City applied for a number from HUD, which is necessary to seek approval of the purchase; the City was informed yesterday that the number has been received. Now the City can apply for and await HUD approval.

REPORTS OF CITY COUNCIL MEMBERS

Councilor Cuffey thanked citizens for their support in Ward #7 Neighborhood Watch program.

Councilor Sealey attended the Rotary meeting today and toured the new Library. It was very impressive.

Councilor Emerson looks forward to planning a Ward #3 ward meeting on January 30, 2007; location and time to be announced.

Councilor Bailey reported that CCRs (Citizen/Councilor Requests) are often representing citizen issues. The Main Street Program, with the Downtown Partnership Committee, has made application for the Main Street designation, although Hopewell has lost an historical building, the historic Patrick Copeland School. They plan to come up with a strategy, and move forward with the application process.

Councilor Harris heard the report from the City Attorney about the Bluffs. He needs to know what provisions the City will make, or the persons who own that property, regarding the residents of the

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Bluffs for relocation. Assistant City Manager March Altman responded that would be for Council to discuss in the future. Individual Section 8 Portable Vouchers would be distributed by HUD. The process for purchase requires the City to proceed with the package and forward it to HUD, once we purchase it. The HUD contract expires on September 27, 2007. In May HUD will begin a process; Section 8 vouchers will become portable. If they are eligible, they will be turned over to the HRHA. Then they will become qualified for another project. They will get a portable voucher. No further discuss has taken place up to this point. Residents will be given a voucher to be taken anywhere in the United States for housing assistance. Councilor Harris asked if the City realizes that once the announcement is made to sell the Bluffs, people will start leaving before they know the details. By that time all the people might be gone. The vouchers would not be needed then. Mr. Altman responded that the administration has not made any announcement. The only discussion that has taken place was of what the total impact could be. Councilor Harris indicated that when the City's Finance Director spoke, there was no money mentioned for relocation. The City was ready to spend \$3 million to put all these people out of their houses. Mr. Altman stated that administration has provided an assumption. That is a discussion for administration and Council to engage in in the future. Councilor Harris asked that that discussion be added to an upcoming City Council agenda and speak to their needs as human beings. He did strongly oppose keeping the old Patrick Copeland School. He would also strongly oppose putting these people out of their houses without relocating the residents. Mayor Taylor suggested setting a Work Session to discuss this issue. Councilor Bailey suggested providing reassurances that no one will be "dumped on the street." Councilor Harris felt that he has only one choice. That is to go back to HUD with another complaint to try to prevent putting these people out of their houses. He is a member of City Council but he is also a Preacher. He always pays attention to the needs of the people around him. He does not feel it in this place.

On January 15 the nation will celebrate the birthday of Martin Luther King, Jr. At 8:00 AM they will celebrate his birthday at the Baptist Children's Home at a cost of \$15.00 for the breakfast. Anyone who is interested may contact Curtis Harris.

Vice Mayor Pelham spoke with two members of the HRHA regarding home ownership vouchers. In regard to the sale of the Bluffs apartments, she asked for coordination with the HRHA for home ownership vouchers to become home owners. Let's start preparing the people to move. Some real estate agents said they would be available to help with classes to prepare the residents of the Bluffs to move. In another matter, tomorrow, January 10, 2007, Betty Ware at Hopewell High School has planned a Career and Technical Open House from 6:00-8:00 PM. There are 15 vocational areas of study at HHS. Finally, On Sunday, January 14, 2007, Celebration of Martin Luther King's birthday, First Baptist Church of Waverly, contact Rev. Sylvia Tucker at John Randolph Medical Center 541-1600 for information. State agencies will be closed on Friday, January 12, and Monday, January 15, 2007.

Mayor Taylor mentioned many vacancies on the Neighborhood Watch Advisory Council according to Interim Chief James Stanley. Mayor Taylor asked each Council member to bring the name of one constituent to the next meeting for appointment from their ward.

ADJOURN

At 11:39 PM, motion was made by Vice Mayor Pelham, and seconded by Councilor Harris, to adjourn the meeting. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes

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Councilor Bailey	-	yes
Councilor Harris	-	yes

Steven R. Taylor, Mayor

Ann M. Romano, City Clerk